



APR 16 2008

U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

April 16, 2008

By Hand

Honorable Richard M. Berman
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

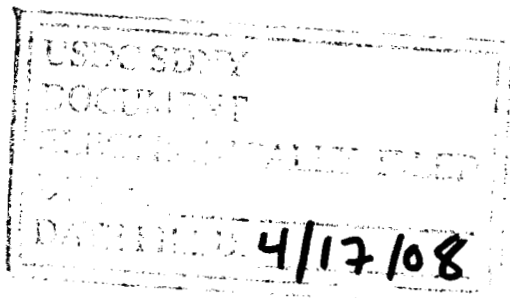
MEMO ENDORSED

Re: United States v. Oscar Santana Ana Gallegos,
07 Cr. 960 (RMB)

Dear Judge Berman:

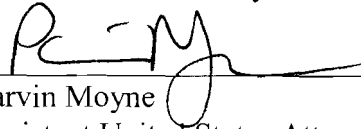
The above referenced-defendant was scheduled to plead in Magistrate Court this morning, and a conference for the acceptance of his plea has been scheduled for May 1, 2008 at 3:00 p.m. The Government learned this morning, however, that the defendant is currently in quarantine at the Bureau of Prisons because of a chicken pox epidemic, and he was therefore unable to appear for the plea. Moreover, the defendant will not be able to appear in Court until after May 3, 2008. Accordingly, the Government requests that the conference for the acceptance of defendant Oscar Gallegos' plea be adjourned to the week of May 12, 2008. (The Government respectfully requests that the conference for co-defendant Martin Arroyave remain on May 1, 2008, as Arroyave was not affected by the quarantine.)

The Government further respectfully requests that, should the Court grant the request for the adjournment with respect to defendant Oscar Gallegos, the Court exclude the time under the Speedy Trial Act until the new date of the conference, because the ends of justice served by excluding time under the Speedy Trial Act outweigh the best interest of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8). The defendant is presently



unavailable; when he is released from quarantine, the Government will continue discussions with the defendant and his counsel concerning a possible disposition of this case.

Respectfully submitted,
MICHAEL J. GARCIA
United States Attorney

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Assistant United States Attorney
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Conference for defendant
Gallegos is adjourned to
5-15-08 at 12:30 p.m. Speedy
trial time is excluded for the
reasons set forth in this letter
pursuant to 18 USC 3161(h)(8)(A)+(B).

SO ORDERED:

Date: 4-17-08


Richard M. Berman, U.S.D.J.